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Explaining child placement policies in Switzerland: an analysis of cantonal policies 1970-2018

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Abstract: Child placement policies have undergone considerable change in many Western European states in the last decades. From taking away children without due process and abuse in foster homes and families to the inclusion of experts in decision-making and oversight of the process, many countries made significant changes. Swiss cantons enjoy a relatively large autonomy in welfare legislation, resulting in great heterogeneity in policy regimes across cantons that - so far - has not been analyzed. My dissertation aims to fill this gap by collecting the first data set on cantonal placement policies and contributing to identifying explanatory factors for the period of 1970 to 2018. Cantonal policymaking is interdependent, that is, it is influenced by experiences in other polities. I therefore argue that policies diffuse through emulation and learning effects. Furthermore, I argue that through the (de-)politicization of the issue in two phases, the policy field underwent two major changes in the investigated period: First, public pressure stemming from scandals and the changing societal norms in the 1970s. Second, calls for professionalization from an increasing group of university-trained social workers. This paper, therefore, contributes to the understanding of politicization in federal interdependent policymaking, the spread of successful policies and the explanation of cantonal policies.

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Explaining Child Placement Policies in Switzerland

An Analysis of Cantonal Policies 1970 - 2018

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Abstract

Child placement policies have undergone considerable change in many Western European states in the last decades. From taking away children without due process and abuse in foster homes and families to the inclusion of experts in decision-making and oversight of the process, many countries made significant changes. Swiss cantons enjoy a relatively large autonomy in welfare legislation, resulting in great heterogeneity in policy regimes across cantons that - so far - has not been analyzed. My dissertation aims to fill this gap by collecting the first data set on cantonal placement policies and contributing to identifying explanatory factors for the period of 1970 to 2018. Cantonal policymaking is interdependent, that is, it is influenced by experiences in other polities. I therefore argue that policies diffuse through emulation and learning effects. Furthermore, I argue that through the (de-)politicization of the issue in two phases, the policy field underwent two major changes in the investigated period: First, public pressure stemming from scandals and the changing societal norms in the 1970s. Second, calls for professionalization from an increasing group of university-trained social workers. This paper, therefore, contributes to the understanding of politicization in federal interdependent policymaking, the spread of successful policies and the explanation of cantonal policies.

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Introduction

The history of child placements is one of the darkest chapters of newer Swiss history. Until 1981, authorities placed children and juveniles in foster families or homes and with farmers without proper procedures, and professional processes. Some children were forced to work under terrible conditions and physical as well as psychological harm was common. Some children were not allowed to go to school, some paid with their life. Since the 1970s there has been a growing public interest in the topic triggered by a number of scandals. This spurred academic and political interest.¹

Traditionally, it is the cantons' responsibility to regulate this policy field. The level of federal regulations did increase significantly in the last century, however. Several developments led to major changes in the cantonal policy regimes, but also on the federal level. The literature identifies largely two developments that caused changes in the law. First, in the light of public pressure due to a number of scandals related to violence and maltreatment in foster homes and the ratification of the European Convention on Human Rights in the 1970s, reforms aimed at improving the procedural standards of child placements and better legal protection (Zatti, 2005). The second wave in the late 2000s took place in the light of increased influence of professionals in social work and a professionalization of the procedures. While the cantons have largely not been bound to many standards, these developments have increased the number of regulations on the federal level and thus narrowed the room for maneuver for the cantons (Lengwiler et al., 2013). The question of what cantons have done with this freedom remains unanswered. While some cantons, aspects and periods have been studied individually², there is a lack of comparative analyses (Lengwiler et al., 2013; Zatti, 2005).

My dissertation aims at filling this research gap. I first plan to provide a compre-

¹Political rehabilitation for the victims only began in the 2010s. With the pressure of the so-called 'reparation initiative' (*Wiedergutmachungsinitiative*) the Federal Council issued a formal excuse to the victims in 2013 (Bundesamt für Justiz, 2013). A counterproposal to the initiative by parliament that granted financial compensations for the victims went into force in 2017 (Bundeskanzlei, 2017). The Federal Council furthermore installed an independent expert commission in 2014 and the National Research Program (NRP 76), titled 'Welfare and Coercion', was initiated (www.nfp76.ch). It is being carried out between 2018 and 2023. My project is situated within this program and is therefore funded by the Swiss National Science Foundation (SNF). The program focuses on different political, economic, historic, psychological, and sociological aspects of coercive measures in Switzerland. The project focuses on institutions, funding and implementation of cantonal child placement policies. It is being carried out in partnership with Ecoplan AG in Berne.

²FR/VD: Praz (2005); FR: Hehli (2003); SG: Hauss & Ziegler (2010); Hauss (2012); Gönitzer (2014); Knecht (2015); VD: Andres (2004); Romang & Deleval (1988); BS: Häsler (2008); BE: Leuenberger et al. (2011); Hauss (2012); ZH: Businger & Ramsauer (2019); foster homes: Hauss et al. (2018); Germann (2016); supervision: Bättig (1984).

hensive comparative overview of cantonal child placement policy regimes³ from 1970 to 2018. The first research question thus poses:

i) How were cantonal child placement policies between 1970 and 2018 designed?

For that purpose we are collecting the first comprehensive data set of cantonal child placement policies between 1970 - 2018. My second aim is to identify explanatory factors for the cantonal child placement regimes, and for its drivers of uniformity and diversity. The second research question therefore sounds:

ii) How can cantonal child placement policies be explained?

This question will be analyzed by identifying the explanatory mechanisms of cantonal policymaking. I argue that cantonal policymaking in this field is inherently interdependent and is driven by cooperation, learning and the spread of norms and best practices. I thus employ diffusion theory by assuming that experiences made in one level or polity (e.g. supranational organizations, the federal level, other cantons or communes) are not independent from each other. For this purpose, I make three larger arguments: First, intercantonal cooperation serves as a platform for knowledge transfer. Second, cantons learn from each other by assessing the success of other cantons' policies and adopting successful aspects for themselves. Third, I argue that two different phases of politicization have influenced cantonal policy regimes: First, the salience of the issue rose due to changing societal norms and a number of scandals at foster homes. This salience increase led to a number of changes in the policies on the cantonal and federal level. Second, new actors were able to increasingly influence the policy discourse, which subsequently led to a shift towards professionalization.

My dissertation makes three contributions: First, it provides an overview and explanatory factors for a policy field that has received considerable public attention in recent years. It thus serves to inform the public and policymakers. Second, on the scientific realm, I bring the study of politicization to the subnational level to contribute to the understanding of the way politicization works in a federal setting. Lastly, I contribute by bringing together diffusion and politicization and adding to its interplay in federal settings.

The paper will be structured as follows. The first part entails a short introduction to the policy field is followed by a discussion of the theoretical considerations. Thereafter, hypotheses are formulated and finally the data (collection), the methods and the structure of the dissertation are discussed.

³I understand *policy regime* as the composition of all relevant legislation drafted by parliaments, all decrees issued by governments, and all concordats agreed by the participating cantons that regulate aspects of child (minors according to the Civil Code) placements (see Weaver, 2010).

Child Placement Policies in Switzerland

Child placements refer to the procedure in the civil law⁴ of withdrawing the right of the parents to decide the place of residence of their child. Today these measures operate with the goal to ensure good protection of children, but the policy field originated from regulations for the poor and evolved heavily in the second half of the 20th century (Lengwiler et al., 2013). Until the Civil Code of 1907 formulated the first child protection measures on the national level, cantons were fully responsible. The revision of the Civil Code in 1977 and its corresponding decree introduced the term child protection into the national legislation and furthermore introduced an authorization requirement for foster parents, defined foster relations, listed requirements for the withdrawal of parental responsibilities, regulated oversight and defined jurisdiction (Zatti, 2005). The recent major reform of 2008 aimed at the professionalization of the field by including professionals in decision-making, installing technical decision-making bodies, more detailed rules of the procedure, and better legal protection (Schnurr, 2017). These reforms mandated the cantons to adopt minimum standards, cantonal heterogeneity persisted, however.

Table 1 depicts the five dimensions of the policy and its elements: i) Due process, ii) professionalization, iii) objectives, iv) federalism and v) centralization.⁵ I argue that the dimensions *due process*, *professionalization* and *objectives* are fought over on a progressive-conservative axis. Thus, including elements of *due process* and *professionalization* into a policy regime and putting child protection at the center of the policy regime is a progressive change.

Table 1: Dimensions

Due Process	Professionalization	Objective	Federalism	Centralization
Authorization requirement Oversight Appeal	Technical authority Number of decision-makers Required qualifications Catchment area	Intent of policy regime	Competences	Financing
<i>Conservative-Progressive</i>	<i>Conservative-Progressive</i>	<i>Conservative-Progressive</i>		

⁴There is also the possibility to place a child in the criminal law, but these are not part of this project.

⁵*Due process* refers to having an authorization requirement, oversight and the possibility to appeal. *Professionalization* means the extent to which decision-making is professionalized. It asks whether the decision-making body is a technical authority, how many decision-makers are required, whether there are required qualifications for the members, and how large the catchment area is. The *objectives* reflects the intent of the policy and asks whether the policy targets the re-education of underprivileged groups or on child protection. The degree of federalism describes how the competences are distributed between the canton and its communes (i.e. *right to decide*). Lastly, *centralization* captures the different levels of government performance (*right to act*).

Theory & Hypotheses

Subnational policies operate under a tension between diversity on the one hand and uniformity on the other hand. I therefore argue that, while cantons have considerable room for maneuver in regulating the policy field, the national level sets certain minimum standards. I thus focus on diffusion theory to analyze cantonal policy regimes. Thus, I first discuss diffusion theory and then discuss the literature on politicization.⁶

Diffusion means the spread of new ideas, concepts, or practices across social systems (Rogers, 2003) a theoretical strand that has evolved by a growing body of literature. Starting from the distinction between internal and external determinants (Berry & Berry, 1990), the recent literature focuses on the mechanisms of diffusion (Füglister, 2012; Gilardi, 2010; Gilardi & Wasserfallen, 2019; Maggetti & Gilardi, 2016; Shipan & Volden, 2008) and methodological contributions (Desmarais et al., 2015; Gilardi & Füglister, 2008; Volden, 2006).⁷ Diffusion theory⁸ is well-applicable to the study of cantonal child placement policies for a number of reasons. The main underlying assumption holds that policymaking in one canton is not independent of the policymaking in other polities (e.g. Braun & Gilardi, 2006; Graham et al., 2013). Cantons maneuver in a multi-layer environment. Federal states characterize themselves by a coexistence of two different kinds of political systems: subnational units and the federal state (Panke, 2018: 1873-1874). Thus, the competences of the federal state, as well as the cantons, are designated in the constitution and there exists a division of labor between the cantons and the federal state. When designing a policy, cantons can look at experiences of other units (in the multi-layer framework), react to incentives, or act according to norms. Therefore, a high level of interdependency is plausible.

There are different ways through which policies can diffuse. There is widespread agreement that there are four mechanisms through which diffusion takes place: i) Learning, ii) emulation, iii) competition, and iv) coercion (Gilardi & Wasserfallen, 2019; Shipan & Volden, 2008; Simmons et al., 2006). For my purposes, I focus on learning and em-

⁶Canton-specific factors are not thoroughly discussed in this paper, but are nevertheless considered for the analysis. These are the political landscape (partisan theory), the institutional (federalism and use of direct democratic rights), the socio-demographic (urbanization) setup and the resources of a canton.

⁷Cross-country applications: Gilardi (2012); Dobbin et al. (2007); Gilardi et al. (2009); Simmons & Elkins (2004); Greenhill (2010); Federal states: Shipan & Volden (2006); Kübler & Widmer (2007); Gilardi & Füglister (2008); Wasserfallen (2014); Wasserfallen (2015); Strebel & Widmer (2012); Strebel (2011); Füglister (2012); Trein (2017).

⁸Distinguished from *policy convergence* (Knill, 2005: 765-768), which analyzes how policies converge (policy convergence can, however, be the result of a diffusion process (Maggetti & Gilardi, 2016)) and *policy transfer* that focuses more on the individual processes.

ulation. I refrain from looking closer to *competition*⁹ and *coercion*¹⁰ as they are not well-applicable to my case.

These mechanisms can work through different channels, thus how information spreads is crucial (Rogers, 2003). Policymakers have to gain information about other cantons' adoptions and their consequences for diffusion to work. Emulation can work through role models, groups of experts that advocate for a policy, or the emulation of self-identified peers (Simmons et al., 2006). Similarly, learning can happen through communication or from cultural reference groups (Simmons & Elkins, 2004: 174-176). A possible realm of communication are networks (Balla, 2001; Bearce & Bondanella, 2007; Finnemore & Sikkink, 1998; McNeal et al., 2003). Thus, through the communication in these networks, actors have the opportunity to gain knowledge about the success and normative views of others' policies.

Emulation

Emulation refers to the spread of social norms (Gilardi, 2012; Holzinger & Knill, 2007: 94-95; Meseguer & Gilardi, 2009). Shipan & Volden (2008: 842-843) argue that emulation means that governments copy policies from other governments to appear in a more favorable light, hence it means norm diffusing (Finnemore & Sikkink, 1998).¹¹ In order for that to happen, knowledge about cantonal policies in a field have to be spread.

Due to the far-reaching responsibilities of cantons in many policy fields and their relatively small size, cantons oftentimes cooperate with each other for various reasons in various sectoral conferences (Bochsler, 2009; Bochslers & Sciarini, 2006).¹² These conferences can be regarded as venues of knowledge transfer and can thus be an important facilitator for spreading information to other cantons.¹³ Emulation can thus be regarded as a side-product of cooperation in this context.

⁹Competition is conceptualized as economic competition (Dobbin et al., 2007; Gilardi & Wasserfallen, 2019; Shipan & Volden, 2008; Simmons & Elkins, 2004) between polities. States, as well as subnational units, compete against each other economically, which can lead to a race to the bottom of e.g. the tax level (Shipan & Volden, 2008; Wasserfallen, 2014). On the other hand, when it comes to the diffusion of standards, influential actors' behavior can lead to a race to the top (*California effect*, see Greenhill et al., 2009).

¹⁰Coercion means that powerful actors enforce policy adoption by other actors through conditionality (Dobbin et al., 2007; Gilardi & Wasserfallen, 2019).

¹¹Emulation is closely associated with isomorphism, the process of homogenization (DiMaggio & Powell, 1983). The term describes how actors converge on shared norms over time.

¹²Bochsler (2009: 352) notes that besides the conference of the cantonal governments there are 16 sectoral conferences including one for guardianship authorities (established in 1944 (Bochsler, 2010: 124)).

¹³Strebel (2011) shows that sectoral and regional conferences can explain the spread of energy policies in the Swiss cantons, while Füglistner (2012) shows that for the health care sector.

Contact Hypothesis

The Contact Hypothesis aims at investigating known patterns of diffusion through multi-lateral cooperation among cantons and thereby employs the approach of Füglistner (2012). It expects that an increasing number of contacts lead to an increased amount of information that is being passed and thus to more policy adoptions. This is not a targeted effort, but rather messy and unstructured. In order for relevant information to be passed, the venues must be social policy related, I thus analyze sectoral conferences.

H1a: A canton is more likely to adopt a child placement policy regime of a canton it has more frequent meetings in relevant sectoral conferences.

Emulation is furthermore more likely to take place with self-identified peers (Simmons et al., 2006). In this respect, Bochsler & Sciarini (2006) find that geographical proximity, language and denomination explain cooperation. It thus seems plausible that cantons emulate policies that they are similar with.

H1b: A canton is more likely to adopt a child placement policy regime of a canton it shares a border with.

H1c: A canton is more likely to adopt a child placement policy regime of a canton it shares the language with.

H1d: A canton is more likely to adopt the child placement policy regime of a canton it shares the denomination with.

Learning

In the context of diffusion, *learning* means the spread of successful and the diminishing of failing policies, or in other words: polities and/or policymakers learn from each other (Shipan & Volden, 2008; Vagionaki & Trein, 2020). The basic idea is that policymakers take experiences in other polities into consideration at different stages of the decision-making process. Thus, this can be the issue-definition stage (Gilardi et al., 2020), how issues are framed or at the actual formulation of policy. For the purpose of this paper I am only interested in the learning effect on the adoption of a policy.

I am interested in programmatic success (McConnell, 2010), as I argue that cantons take into consideration what *works well* in other cantons.¹⁴ Hence, programmatic success entails how well a policy achieves the objectives it sets out to achieve, whether it produces desirable outcomes, its creating benefits to the target group, and whether policy domain criteria are met.

¹⁴Political success is not of importance to this study as it does not engage with its electoral consequences. Procedural success does also not lie at the center of this analysis.

Success Hypothesis

The Success Hypothesis investigates the spread of successful policies. But what makes a child placement policy successful? A policy might be successful in regards to the achievement of its goals. In that way it is successful in relation to an objective-based evaluation (Widmer & De Rocchi, 2012). That does, however, not mean that its goals will be shared by others. McConnell (2010) proposes four indicators of success, that try to capture success in its width: i) achievement of objectives, ii) desirable outcomes, iii) policy domain criteria and iv) benefits for the target group. If a policy is deemed successful in these regards, it is more likely that other cantons will adopt similar policies.

H2: A canton is more likely to adopt a policy from another canton if the policy is successful.

Politicization

The literature on politicization revolves around the question of what drives the fate of policy issues. The bulk of the literature centers around the issue of EU integration (Green-Pedersen, 2012; Hooghe & Marks, 2009). It is argued that politicization can be explained with the existence of incentives that an issue can offer to parties. Thus, parties politicize an issue if it could be electorally successful and de-politicize an issue if it could harm the electoral prospects of a party. Conceptually, Schattschneider (1957) identifies three dimensions of politics on which Grande & Hutter (2016) rely as well: i) issue salience, ii) actor expansion, iii) actor polarization. Salience is the “most basic dimension for politicization” (Grande & Hutter, 2016: 8), thus a certain level of public debate around an issue is necessary in order for it to be politicized. As for actor expansion, Grande & Hutter (2016: 8-9) distinguish between an actor expansion within and across political arenas and between the electoral arena and the protest arena. Lastly, actors have to take differing positions in order for the issue to be politicized, that is how polarized an issue is (Grande & Hutter, 2016: 9-10).

The literature on politicization is focused heavily on nation-states and hardly on the subnational level. This is likely due to two reasons. First, political science generally focuses overwhelmingly on political contests on the national level. That is, subnational elections, party strategies and issue salience is rarely a matter of analysis. Second, politicization requires an audience (the public or the electorate) to be targeted. Thus, the media is an important transmitter, but is increasingly organized on the national level. It is therefore more difficult to witness a distinct political public in the individual cantons, as media coverage of the national political arena is dominant.

Politicization Hypotheses

I argue that there are mainly two developments that are attributed to the (de-)politicization of child placements that altered the political conflict around the issue between 1970 and 2018: a) public pressure and b) academization of social work. First, a rising number of scandals in foster homes paired with the anti-capitalist and anti-authoritarian *Heimkampagne* (1970-72), which demanded the abolishment of foster homes altogether, led to reforms in many cantons that aimed at improving legal protections and procedural aspects were improved (Germann, 2016; Schär, 2008). Thus, by bringing the issue of child placements into the public arena, the issue gained salience and in turn influenced policies. The second development can be attributed to institutionalization of university chairs in social work/pedagogy that led to the academization of social work, which in turn led to the professionalization of the field (Lengwiler et al., 2013). I thus argue that not public pressure alone, but the influence of emerging expert networks and discourses paired with the call for political rehabilitation of former victims politicized the issue again and influenced the political conflict (Lengwiler et al., 2013).

Hence, child placements were politicized in two different ways. First, by mounting public pressure, that increased the salience of the issue:

H3: When the issue of child placements is more politicized, a canton is more likely to change its policy regime in the progressive direction.

Second, by the involvement of new actors in the political discourse. Cantons with closer ties to universities are more prone to receive that influence earlier (Professionalization Hypothesis).

H4: The closer a canton is to a university of applied sciences with a chair of social work, the more likely it adopts a more professionalized policy regime.

Methods, Data and Timeline

As mentioned earlier, this paper and the subsequent dissertation are situated in a larger project. At the moment we are in the data collection process, which is scheduled to be done by the end of June 2021. The project is furthermore scheduled to be finished by summer 2022.

Data

For my *dependent* variable, cantonal policies in the area of child placement, we are currently collecting data in all cantons on all relevant laws, decrees by the government, relevant concordats, and all documents attached to the relevant policies. These include protocols of parliamentary debates, proposals of governments of different factions and

parties as well as legislative materials produced within the administration prior to the adoption of a decree. Furthermore, we collect the protocols of the relevant meetings of the Conference of the Cantonal Social Ministers in which all ministers of social affairs from all cantons take part. For the *independent* variables, we are collecting data on the context of the cantons such as social expenditure, GDP, administrative capacity, intercantonal cooperation and data on the diffusion mechanisms. These are memberships in cantonal conferences for social affairs (SODK), regional conferences, issue-specific conferences and social policy concordats.

Analysis

A major contribution of this project is to provide the first comprehensive data set of cantonal child placement policies. Hence, for the first time it will be possible to compare the policy regimes for all cantons for almost 50 years descriptively. The second contribution will be a quantitative analysis of the data set in order to identify explanatory factors. As mentioned above, I will focus particularly on diffusion mechanisms. This will be done by using the directed dyadic EHA approach (Volden, 2006), which has been widely used since (Baldwin et al., 2019; Gilardi et al., 2009; Gilardi & Füglistner, 2008; Shipan & Volden, 2014; Volden, 2016). The approach constructs every possible pair of units in both directions for every year. The variable is coded 1 if a canton adopts a policy regime that the other canton in the dyad has had $t-1$, otherwise 0 (Volden, 2006). As my dependent variable could be binary for every dyad-year (adoption: 0/1), a logit model would fit best as for any event-history data set (Beck et al., 1998). For robustness checks Gilardi et al. (2009) use ordered logit and a conditional Cox model.

Chapter Structure

This paper represents the state of my dissertation, which is planned to develop into a monograph. As for the structure thereof, I plan to have two larger parts of the dissertation that are encompassed by an introduction at the beginning and a conclusion at the end. Part I will first locate the topic and give context to the specific case of child placements. It will then give an overview over existing theories in the fields of social policies, federal policy making and diffusion theory. Lastly, it contains an overview over the data at hand, the process of collection as well as the methods used to analyze them. Part II will contain the analytical section, split in two parts. The first division will contain a descriptive analysis along how dimensions have developed over time. It will also contain descriptions of some focus cantons. In the second section of Part II, the quantitative analysis follows that employs diffusion analysis.

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